

AMENDMENT

Claims 1-37 are presently active in this case, the specification and claims amended by way of the present amendment.

With regard to the amendments to the specification, the specification has been amended to add elements which are capable of being used in the sealing treatment. These elements are set forth in page 27, lines 9-12 and claim 7 of the specification and, therefore, no new matter has been entered.

With regard to the amendments to the abstract, the abstract has been amended to further clearly describe the present application.

With regard to the amendments to the claims, claim 35 has been amended to correct its improper dependency. In addition, full spellings have been added to all the acronyms as described in claims 3, 12, 17 and 33. They are set forth in page 26, line 24 to page 28, line 1. Moreover, claim 7 has been amended to rectify informalities.

PROVISIONAL ELECTION

The Applicants provisionally elect Species 5 (claims 9-15 and claims 31-33) drawn to an internal member of a plasma processing vessel for further prosecution on merits, with traverse.

This provisional election is made with traverse. The internal member of species 5 (claims 9-15 and claims 31-33) and species 6 (claims 16-18 and claims 31-33) involves basically same structure. The internal members of species 5 and 6 include a barrier coat layer which is capable of preventing the processing gas or the cleaning fluid from reaching the surface of the base metal. Accordingly, the allegedly distinct inventions are directed to very similar concepts and any searches required for either of the same would be coextensive.

In response to the election requirement dated November 30, 2005, Applicants provisionally elect with traverse the Species 5, identified in the outstanding Official Action as

corresponding to Figure 2, for further examination on the merits. Applicant identifies Claims 9-15 and 31-33 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications. In particular, Applicants believe that the inventions of species 5 and 6 (claims 9-18 and claims 31-33) are particularly related and that at least the Restriction Requirement relating to these claims should be withdrawn.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-36 be conducted.

Accordingly, an examination on the merits of Claim 1-36 is believed to be in order, and an early and favorable action is respectfully requested.

Respectfully submitted,

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